(3)

Single Bench

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT BILASPUR (C.G)

W.P.NO. .....3977..... OF 2004

ASHOK KUMAR
S/O. GANPATI
C/O. CHANDRIKA KIRANA STORES
HSCL COLONY, MARODA
PO : NEWAI
DISTT. DURG (C.G) ... PETITIONER

VS.

1. THE INDUSTRIAL COURT
GOVT. OF CHHATTISGARH
GHADI CHOWK
RAIPUR

2. STEEL AUTHORITY OF INDIA LIMITED
THROUGH : MANAGING DIRECTOR
BHILAI STEEL PLANT
BHILAI

3. THE MANAGING DIRECTOR
BHILAI STEEL PLANT
BHILAI ... RESPONDENTS

P.R. No. 3977/04
Presented by Shri ...
dated ...

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF AN APPROPRIATE WRIT ORDER OR DIRECTION AS DEEMED FIT

(45)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3977/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

13.01.2005

Shri Ajay Dwivedi, counsel for the petitioner.

Heard on the question of admission.

The petitioner has filed this petition against the impugned interim order dated 5.10.2004 by which the Industrial Court, over-ruling the objection regarding maintainability of appeal admitted it for final hearing and posted the same for final arguments on 30.11.2004.

The case of the petitioner is that the petitioner was an employee of Bhilai Steel Plant, Bhilai. His services were terminated by Bhilai Steel Plant vide order No. 464 dated 09.04.2002. The petitioner filed the case No. 40/MPIR/2002 u/s 31(3) of the MPIR Act, 1960 against the Managing Director Bhilai Steel Plant in the Labour Court Durg. The Labour Court reinstated the petitioner with 60% back wages vide order dated 16.8.2004 (Annexure-P/1). Being aggreived by the aforesaid order, the Steel Authority of India Limited, Bhilai Steel Plant Bhilai through its Managing Director (Respondent No. 2 herein) filed an appeal before the Industrial Court, Raipur. In the said appeal, the petitioner made his appearance at the admission stage and filed an objection in relation to maintainability of appeal on the ground that respondent No. 2 was having no authority to file such an appeal as respondent No. 2 was not a party before the Labour Court. It is submitted that the appeal has not been filed by "agreived person". It is the contention of the learned counsel for the petitioner that since the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 3977/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Managing Director, Bhilai Steel Plant Bhilai was made a party/respondent before the Labour Court, therefore, the appeal should be filed by him alone. After hearing on above objection, impugned order was passed by the Industrial Court, against which the present petition has been filed.

I have heard the learned counsel for the petitioner at length.

Section 65 of the MPIR Act, 1960 deals with the provisions of appeal. After going through provisions of clause (a) sub-section (1) of Section 65 of the MPIR Act, 1960 it transpires that the "person affected" or "the representative of employees" or "the employer"can prefer an appeal to the Industrial Court against a final decision of a Labour Court in respect of a matter falling under various clauses of sub-section (1) of Section 61 of the MPIR Act, 1960 refered to in Section 65 (1) (a). It clearly means that any person who is affected by an order passed by the Labour Court can prefer an appeal before the Industrial Court and no further bar or qualification is made for the same.

In the present case, it was the petitioner who himself has arrayed the Managing Director as respondent before the Labour Court. The Labour Court passed the order dated 16.8.2004. A perusal of memo of appeal shows that the Steel Authority of India Limited is a party aggrieved which prefered an appeal before the Industrial Court. The objection taken by the petitioner is too technical. The management is

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मामला क्रमांक W.P.No. 3977/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	fully authorised to file an appeal in such a matter in which order effecting the rights and liability of management has been passed by subordinate Court. In the opinion of this Court, there is no infirmity in impugned order warranting interference under Article 226/227 of the Constitution of India. The petition is dismissed at motion stage. Consequently, M.W.P. No. 4378/2004 and I.A. No. 8822/2004 stand disposed of. **Sd/-** **Sunil Kumar Sinha** **Judge**	

Vath